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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 3taps, Inc.,

18 Plaintiff,

19 vs.

20 LinkedIn Corporation,

21 Defendant.
22

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned action against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (ECF No. 1);

WHEREAS, on February 14, 2018, 3taps moved to relate this action to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-EMC);

WHEREAS, on February 23, 2018, this action was reassigned to this Court as related to the hiQ Action;

WHEREAS, on March 7, 2018, this Court stayed this action pending resolution of an appeal in the hiQ Action (*see* ECF No. 10);

WHEREAS, the Ninth Circuit issued its mandate in LinkedIn’s appeal in the hiQ Action on November 19, 2019;

WHEREAS, a Case Management Conference in the above-captioned matter is currently scheduled for January 30, 2020 at 9:30 a.m. (ECF No. 23);

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1. LinkedIn’s deadline to answer or otherwise respond to the complaint shall be March 31, 2020. If LinkedIn’s response to the complaint is a motion pursuant to Federal Rule of Civil Procedure 12:
 - a. hiQ’s opposition to the motion shall be due on May 29, 2020.
 - b. LinkedIn’s reply in support of its motion shall be due on June 30, 2020.
 - c. The hearing on the motion shall be July 23, 2020 at 1:30 p.m.
 - d. If the court issues an order denying LinkedIn’s motion, LinkedIn shall have 30 days from the date that the Court issues that order to file its answer.
2. No party shall propound any discovery on any party or non-party until 15 days after LinkedIn files its answer or July 31, 2020, whichever is later.
3. The deadline for the parties to exchange initial disclosures shall be 10 days after LinkedIn files its answer, or July 31, 2020, whichever is later.

- 1 4. The Case Management Conference currently set for January 30, 2020 at 9:30 a.m.
2 is continued to July 23, 2020 at 1:30 p.m.
3 5. Nothing in this order precludes either party from applying to the Court for relief
4 from any deadline set forth in this stipulation and proposed order.
5

6 DATED: December 31, 2019

THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

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9 By: /s/ Thomas V. Christopher
THOMAS V. CHRISTOPHER

10 *Attorneys for Plaintiff 3taps, Inc.*
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12 DATED: December 31, 2019

MUNGER, TOLLES & OLSON LLP

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15 By: /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN

16 *Attorneys for Defendant LinkedIn Corporation*
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N.D. Cal. Civil Local Rule 5-1 Attestation

18 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
19 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
20 Thomas V. Christopher concurred in the filing of this document.
21

22 /s/ Jonathan H. Blavin
Jonathan H. Blavin
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27
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[PROPOSED] ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: January __, 2020

The Honorable Edward M. Chen